

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

RYAN J. MORAN,

Petitioner,

VS .

TONY PARKER,

Respondent.

No. 06-2520-B/V

ORDER DIRECTING PETITIONER TO FILE AN IN FORMA PAUPERIS AFFIDAVIT  
OR PAY THE HABEAS FILING FEE

AND

ORDER DIRECTING THE PETITIONER TO SUBMIT  
HIS PETITION ON THE OFFICIAL FORM

Petitioner Ryan J. Moran, Tennessee Department of Correction prisoner number 259303, an inmate at the West Tennessee State Penitentiary ("WTSP") in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254 on August 7, 2006. The Clerk shall record the respondent as WTSP Warden Tony Parker.

A habeas petition carries a filing fee of five dollars (\$5.00). 28 U.S.C. § 1914(a). Moran's petition is not accompanied by either the filing fee or a motion to proceed in forma pauperis. Accordingly, Moran is ORDERED either to submit a properly completed in forma pauperis affidavit demonstrating his indigency, along with an inmate trust fund account statement, or pay the filing fee

thirty (30) days of the entry of this order. The Clerk is ORDERED to mail a copy of the prisoner in forma pauperis affidavit to Petitioner along with this order.<sup>1</sup>

Pursuant to Rule 2(d) of the Rules Governing Section 2254 Cases in the United States District Courts, a petition pursuant to 28 U.S.C. § 2254 "must substantially follow either the form appended to these rules or a form prescribed by a local district-court rule." This district uses the form recently promulgated by the Administrative Office of the United States Courts ("AO"), which is available from this Court's website. The petition submitted by Moran does not substantially follow the prescribed § 2254 form. Use of that form is necessary in this case in order to efficiently review this prisoner's claims.

Accordingly, Moran is ORDERED, within thirty (30) days of the date of entry of this order, to submit an amended petition on the § 2254 form promulgated by the AO. The Clerk shall send Petitioner a copy of the form. If Petitioner needs additional time to complete the form, he may apply for an extension of time on or before the expiration of the thirty-day period.

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<sup>1</sup> In the interest of expediting this matter, Petitioner is advised that, if his inmate trust fund account has a balance of at least twenty-five dollars (\$25.00), an application to proceed in forma pauperis will be denied.

Failure to timely to comply with any requirement of this order will result in dismissal of the petition without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 16<sup>th</sup> day of November, 2006.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE